O. Fodder

1951 File No. 91

Legal Department-

G BRANCH

Subject:— Opinions on the cattle Fodder

Cpl 3/E

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Office of the R.L.A.

The Civil Supplies Department has requested the Govt. of India to delegate tothis Govt. their power to make orders under section 3 of the Essential Supplies (Temporary Powers) Act, 1946 in respect of cattle fodder. Pending such delegation, the Civil Supplies Department has forwarded to the Central Govt. a draft order banning movement of Kadbi from Sholapur District to any place outside that District for issuing it. In connection with similar action proposed in respect of movement of kadbi from East Khandesh District, the Secretary, Revenue Department has raised a query whether such a district ban would in law as well as in fact operate as a ban on interstate movement. The Civil Supplies Department has pointed out that as the orders are to be issued by the Central Govt. There is no restriction on their powers to do so as is in the case of State Govts. under article 246 of the Constitution of India. However as a point of law is involved R.L.A's opinion is sought on that point.

S.I./17.7.56. 4c.

Office of the R.L.A.

The Essential Supplies (Temporary Powers) (Amendment) Act, 1950, which was passed on 16th August 1950, that is after the commencement of the Constitution inserted cattle-fodder in section 2 of the principal Act of 1946 with the result that after that date the Central Government acquired the power to make an order under section 3 of that Act in respect of cattle-fodder. If the effect of an order under section 3 as the one proposed at page 9 ante is that it affects inter-State commerce, that order in so far as it falls within the ambit of section 3 would be free from any objection since the Act under which it is made is saved by the provisions of Articles 302 and 305 of the Constitution.

Id/-

Remembrancer of Legal Affairs.

U.R. to C.S.D., No.G-84, dated the 8th March 1951.

S.I./17.7.56. 4m.

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The Bombay Hay (Control) Order, 1951 and the Cattle Fodder (Movement Control) Order, 1951 are both issued under section 3 of the Essential Supplies (Temporary Powers) Act, 1946 and should be worked side by side. However if there is a conflict in the two orders, the best way to resolve it would be by a reference to Government of India by requesting them to delete Surat from the list of districts mentioned in their order as there is a special scheme of licensing hay trade of Surat and Thana Districts and the Greater Bombay and the Scheduled villages.

As regards clause 3 of the Bombay Hay (Control) Order, the Central Government may be requested to authorise the Director of Civil Supplies, Bombay and the District Magistrates for the purpose of clause 3 of the Cattle Fodder (Movement Control) order.

Id/-
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Remembrancer of Legal Affairs.

U.R. t o R.D., No. G-648, dated the 20th December 1951.

S.L./17.7.56. 4c.